



City of Sunnyvale

Meeting Minutes City Council

Tuesday, November 5, 2019

7:00 PM

Council Chambers and West Conference
Room, City Hall, 456 W. Olive Ave.,
Sunnyvale, CA 94086

Regular Meeting - 7 PM

7 P.M. COUNCIL MEETING

CALL TO ORDER

Mayor Klein called the meeting to order at 7:02 p.m.

SALUTE TO THE FLAG

ROLL CALL

Present: 7 - Mayor Larry Klein
Vice Mayor Russ Melton
Councilmember Gustav Larsson
Councilmember Glenn Hendricks
Councilmember Nancy Smith
Councilmember Michael S. Goldman
Councilmember Mason Fong

SPECIAL ORDER OF THE DAY

[19-0930](#) SPECIAL ORDER OF THE DAY - Picture Book Month

Mayor Klein presented a proclamation to Interim Library and Community Services Director Cherise Brandell and Librarian Laurie Borchard. He declared the month of November 2019 as Picture Book Month.

PRESENTATION

[19-1058](#) PRESENTATION - 2019 Municipal Information Systems Association of California (MISAC) Awards, Presented by MISAC Board Member Gaurav Garg

MISAC Board Member Gaurav Garg presented the MISAC awards to Chief Information Officer Kathleen Boutté Foster, Information Technology Manager Eddie Soliven, Information Technology Manager Dhiren Gandhi and Senior Management

Analyst Anna Lewis.

[19-1167](#)

PRESENTATION - Foothill-De Anza Community College
District Community Outreach Initiative, by District Chancellor
Judy Miner

District Chancellor Judy Miner provided the presentation.

ORAL COMMUNICATIONS

Councilmember Goldman announced board and commission recruitment and an upcoming application deadline.

Mark Richardson shared details of the safety procedures implemented since the recent vehicle collision injuring three children at the intersection of Poplar Avenue and El Camino Real.

Kalpana R. commented regarding short term, medium term and long term safety improvements at intersections near schools.

Holly Lofgren voiced concerns regarding recent utility bill inserts from the City regarding district based elections.

Rita Rose shared details of recent near collisions in neighborhoods near schools.

Ernest Aguayo requested crossing guards remain permanently at the intersection of Poplar Avenue and El Camino Real.

Chandra Henry, Principal, Peterson Middle School voiced support for ongoing collaboration between the City and School District addressing intersection safety.

Angela Quizon, President, Peterson Middle School Parent Teacher Student Association encouraged the City to promptly address intersection safety near schools.

Martin Pyne proposed rank choice voting or a similar voting system.

Rivka Scheinkman announced actions taken by school district parents to gain support for intersection safety improvements from Caltrans and other organizations.

Kristen Manies shared support for bicycle lanes marked with green asphalt and

other safety improvements near schools.

Lee Ott voiced support for intersection safety improvements during all hours of the day.

Richard Mehlinger encouraged proactive improvements to high-injury intersections around the City and addressing the housing crisis through building housing locally.

Merman shared images of the intersection at Poplar Avenue and El Camino Real.

Cindy Hart shared details of a fatal collision and encouraged the City to take action to improve safety on City streets.

City Manager Kent Steffens shared details of actions the City, School District and Caltrans have taken to improve safety at the intersection of Poplar Avenue and El Camino Real.

CONSENT CALENDAR

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to approve Items 1.A through 1.G.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Smith
Councilmember Goldman
Councilmember Fong

No: 0

1.A [19-0530](#) Approve City Council Meeting Minutes of October 29, 2019

Approve the City Council Meeting Minutes of October 29, 2019 as submitted.

1.B [19-0887](#) Approve the List(s) of Claims and Bills Approved for Payment
by the City Manager

Approve the list(s) of claims and bills.

1.C [19-0971](#) Adopt the City's Investment Policy for Fiscal Year 2019/20

Adopt the City's Investment Policy for FY 2019/20 (Council Policy 7.1.2).

1.D [19-1055](#) Authorize the Issuance of a Purchase Order to Western Systems, Inc. for Fiber Optic Ethernet Access Devices (F19-239)

Authorize the issuance of a Purchase Order in the amount of \$166,785.60 excluding \$15,010.70 in sales tax, in substantially the same form as Attachment 2 to the report to Western Systems, Inc.

1.E [19-1084](#) Amend an Existing Construction Support Contract with Psomas for Construction Management of the Sunnyvale Cleanwater Program (F20-062)

Take the following actions:

- Authorize the City Manager to execute an amendment to an existing contract, in substantially the same format as Attachment 1, with Psomas, amending the scope of work to include Phase 2 Sunnyvale Cleanwater Program activities for Project 2.1: Existing Plant Rehabilitation Split Flow, extending the term of the agreement until project completion, and increasing the not to exceed value from \$8,665,632 to \$8,985,991; and
- Approve an additional 10% contract contingency in the amount of \$32,036.

1.F [19-1184](#) Adopt Ordinance No. 3148-19 to amend Chapter 16.52 (FIRE CODE) of Title 16 (BUILDINGS AND CONSTRUCTION) of the Sunnyvale Municipal Code to Adopt by Reference the 2019 California Fire Code with Local Amendments and Related Findings

Adopt Ordinance No. 3148 19.

1.G [19-1185](#) Adopt Ordinance No. 3149-19 to amend various Sections of Title 16 (Buildings and Construction) of the Sunnyvale Municipal Code to Adopt by Reference the 2019 California Building, Residential, Mechanical, Plumbing, Electrical, Building Standards Administrative, Energy, Historical Building, Existing Building, and Green Building Standards Codes, and the International Property Maintenance Code, with Local Amendments and Related Findings

Adopt Ordinance No. 3149 19.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2 [19-0881](#) Approve the Purchase and Sale Agreement between the City of Sunnyvale and Sunnyvale Community Services for the Purchase of 725 Kifer Road, and approve Budget Modification No. 10 in the amount of \$5,830,000

Public Works Director Chip Taylor provided the staff report and presentation.

Public Hearing opened at 7:58 p.m.

Marie Bernard, Executive Director, Sunnyvale Community Services (SCS) shared services provided by SCS and growth in services.

Public Hearing closed at 8:03 p.m.

MOTION: Councilmember Hendricks moved and Vice Mayor Melton seconded the motion to approve Alternative 1: Authorize the City Manager to execute the Purchase and Sale Agreement, including the lease attached as in Exhibit D to the Agreement, in substantially the same form as Attachment 1 of the report, between the City of Sunnyvale and Sunnyvale Community Services for the purchase of real property located at 725 Kifer Road for \$5,830,000, and approve Budget Modification No. 10 in the amount of \$5,830,000.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
 Vice Mayor Melton
 Councilmember Larsson
 Councilmember Hendricks
 Councilmember Smith
 Councilmember Goldman
 Councilmember Fong

No: 0

- 3 [19-1174](#) Discussion and Possible Direction on Proposed Amendments to Charter Article VI (The Council) to be Submitted to Voters in the March 2020 Election to Implement City Council By-District Elections

City Attorney John Nagel provided the staff report.

Public Hearing opened at 8:17 p.m.

Mei-Ling Stefan voiced concerns regarding potential over representation or under representation in a particular district if a district Councilmember is elected mayor.

Coleen Hausler shared support for an independent redistricting commission.

Linda Davis shared potential edits to the proposed draft charter amendment and support for an independent redistricting commission.

Mike Serrone raised concerns regarding potential for a mayoral election with a small percentage of voters in support.

Richard Mehlinger voiced support for an independent redistricting commission.

Public Hearing closed at 8:28 p.m.

Council took a recess at 9:07 p.m. and reconvened with all Councilmembers present at 9:16 p.m.

- 4 [19-0677](#) Public Hearing Pursuant to Elections Code Section 10010(a) (2) to Receive Public Comment Regarding the Content of the Refined Draft City Council Districting Maps Published on October 29, 2019, and the Proposed Sequence of Elections

Deputy City Manager Jaqui Guzmán, David Early, Placeworks and Douglas Johnson, National Demographics Corporation provided the staff report and presentations.

Public Hearing opened at 9:48 p.m.

Elsa Amboy voiced support for the Unity Map 120D, with Districts 1, 2 and 3 scheduled for the November 2020 election.

Evelyn Rocha shared comments from Jannette Brambila Ramirez supporting Latinx representation and Map 120D with Districts 1, 2 and 3 scheduled for the November 2020 election.

Gail Rubino communicated support for Map 107A.

Linda Sell voiced support for Map 120D.

Martin Pyne shared support for Map 121A.

Judy Pavlick explained details regarding Map 120D.

Frances Stanley communicated support for Map 107A, with Districts 1, 2 and 5 scheduled for the November 2020 election.

Cal Cornwell voiced support for Map 120D, with Districts 1, 2 and 3 scheduled for the November 2020 election.

Coleen Hausler shared support for Map 120D, with Districts 1, 2 and 3 scheduled for the November 2020 election.

Galen Davis communicated support for Map 120D, with Districts 1, 2 and 3 scheduled for the November 2020 election.

Nitinkumar I. Shroff voiced support for Map 120D.

Mike Serrone shared support for the remaining maps, with a preference for Maps 107A and 120A. He communicated a preference for sequencing that does not clump districts together each election.

Donna Beres voiced support for Map 120D.

Richard Mehlinger shared priorities for district election sequencing and support for Maps 120C, 120D and 121A, with a preference for Maps 120C and 121A.

Steve Scandalis shared details of the No Directly Elected Sunnyvale Mayor campaign committee and associated 7-member district voting system maps.

Public Hearing closed at 10:49 p.m.

MOTION: Councilmember Hendricks moved and Mayor Klein seconded the motion to move forward with Map 120D.

The motion carried with the following vote:

Yes: 6 - Mayor Klein
Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Smith
Councilmember Fong

No: 1 - Councilmember Goldman

MOTION: Vice Mayor Melton moved and Councilmember Larsson seconded the motion to direct staff to consider Map 107A.

The motion carried with the following vote:

Yes: 5 - Vice Mayor Melton
Councilmember Larsson
Councilmember Smith
Councilmember Goldman
Councilmember Fong

No: 2 - Mayor Klein
Councilmember Hendricks

MOTION: Councilmember Smith moved and Mayor Klein seconded the motion to direct staff to consider Map 121A.

The motion failed with the following vote:

Yes: 2 - Mayor Klein
Councilmember Smith

No: 5 - Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Goldman
Councilmember Fong

MOTION: Councilmember Hendricks moved to direct staff to consider the impacts of removing the “blip” from the northern most Districts that cross Highway 101 from Maps 107A and 120D.

Motion failed due to the lack of a second.

Council took a recess at 12:07 a.m. and reconvened with all Councilmembers present at 12:15 a.m.

MOTION: Vice Mayor Melton moved and Councilmember Hendricks seconded the motion to hear agenda item 5.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Smith
Councilmember Goldman
Councilmember Fong

No: 0

- 5** [19-1162](#) Introduce an Ordinance Amending Chapters 19.20 (Commercial Zoning Districts), 19.22 (Industrial Zoning Districts), and 19.24 (Office and Public Facilities Zoning Districts) and Adopt a Resolution to Amend the Land Use and Transportation Element of the General Plan to Clarify the Allowance of Residential Uses in Non-Residential Zoning Districts and Find that the Action is Exempt from the California Environmental Quality Act

Community Development Director Trudi Ryan provided the staff report and presentation.

Public Hearing opened at 12:19 a.m.

Doris Maez shared concerns regarding the lack of services, such as grocery stores, near new housing.

Public Hearing closed at 12:22 a.m.

MOTION: Councilmember Hendricks moved and Councilmember Smith seconded the motion to approve Alternative 1: Introduce an Ordinance Amending Chapters 19.20 (Commercial Zoning Districts), 19.22 (Industrial Zoning Districts), and 19.24 (Office and Public Facilities Zoning Districts) (Attachment 3 to the report) and Adopt

a Resolution to Amend the Land Use and Transportation Element of the General Plan to Clarify the Allowance of Residential Uses in Non-Residential Zoning Districts (Attachment 2 to the report) and Find that the Action is Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

The motion carried with the following vote:

Yes: 7 - Mayor Klein
Vice Mayor Melton
Councilmember Larsson
Councilmember Hendricks
Councilmember Smith
Councilmember Goldman
Councilmember Fong

No: 0

COUNCILMEMBERS REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS

Agenda item not heard by Council.

NON-AGENDA ITEMS & COMMENTS

-Council

Agenda item not heard by Council.

-City Manager

Agenda item not heard by Council.

INFORMATION ONLY REPORTS/ITEMS

19-0748	Tentative Council Meeting Agenda Calendar
19-0809	Board/Commission Meeting Minutes
19-0816	Information/Action Items
19-0562	Update Regarding the City Council Regular Meeting Calendar for 2020 through February 2021 and Potential Conflicts With

Religious Holidays (Information Only)

[19-1161](#)

Study Session Summary of October 8, 2019 - Level of Service (LOS) to Vehicle Miles Traveled (VMT) Transition Update

[19-1172](#)

Notice of Public Works Director's Decision on Final Maps (Information Only)

ADJOURNMENT

Mayor Klein adjourned the meeting at 12:25 a.m.